

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No: 2011-4861
Issue No: 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 8, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing received by the Department on October 20, 2010. After due notice, a telephone hearing was conducted from Detroit, Michigan on December 8, 2010. The Claimant appeared and testified. Leanne Bommarito, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FAP case due to Claimant's failure to return information requested by the Verification Checklist by the due date?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material facts:

1. The Claimant applied for Food Assistance benefits (FAP) on August 17, 2010, and a FAP case was opened on an expedited basis.
2. The Claimant was sent a verification checklist requesting proof of her monthly rent amount and child support payments which she receives.
Exhibit 1
3. The Claimant received the verification checklist. The Claimant understood she was to return information to the Department.
4. The Verification information was due to be returned on August 27, 2010.

5. The Claimant did not return the verification checklist information by the due date.
6. The Claimant did return some of the requested information with her hearing request which was after the due date set by the verification check list.
7. The Claimant had some difficulty providing the information because her child support is ordered by a Brazilian court and the money was not being received for a period of time.
8. The Claimant did not request assistance from the Department or request an extension of time to file the verification information requested by the Department.
9. The Department issued a Notice of Case Action dated September 16, 2010 which closed her Food Assistance case effective October 1, 2010 for failure to provide required verification information Exhibit 2
10. The Claimant requested a hearing on October 19, 2010 protesting the denial of her Food Assistance application. The hearing request was received by the Department on October 20, 2010.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) formerly known as the Food Stamp (FS) program is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p.

The Department is required to verify employment and income at application and when a change is reported. If the client fails to verify these items the Department must close the

Claimant's case or deny the application for failure to verify the requested information. BEM 554, p. 11.

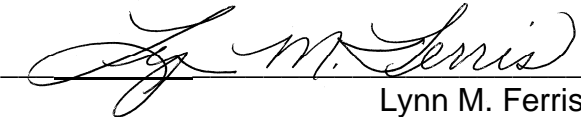
In this case, the Department mailed out a Verification Checklist seeking verification of the amount of child support the Claimant received and verification of her rent. The Claimant did not return the information by the due date and did not request assistance from the Department or request an extension of time in which to file the requested information. The Department under these circumstances correctly closed the Claimant's FAP case because the information was not returned and thus acted correctly and in accordance with its policy. BAM 130 id.

The claimant is encouraged to reapply for FAP benefits and should request assistance from the Department to help her with clearing up the matter of whether she is currently receiving child support from her ex-husband in Brazil. The Claimant is entitled to an interpreter if she requests one and is also urged to request more time to provide the information. If the Claimant requires a time extension she must request it before the date the information is due.

Based on the foregoing, it is found that the Department's closure of the Claimant's FAP case was correct and in accordance with policy and was proper and therefore is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the Department's actions; therefore, the closure of the Claimant's food assistance case, by the Department, is AFFIRMED


Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/15/10

Date Mailed: 12/20/10

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LMF/dj

cc:

